

CITY HALL  
BOX CC  
CARMEL-BY-THE-SEA, CALIFORNIA 93921

August 31, 2005

Vice Chairman Peter Silva  
State Water Resources Control Board  
Division of Water Quality  
1001 I Street  
Sacramento, CA 95814

Re: Areas of Special Biological Significance (ASBS) Stakeholder Workshop

Dear Vice Chairman Silva:

The California Ocean Plan prohibits the discharge of wastes to Areas of Special Biological Significance (ASBS). This regulation recently has been interpreted by the Central Coast Regional Water Quality Control Board (Regional Board) as also prohibiting stormwater runoff from our community unless it contains zero amounts of any pollutant. The exception procedures are costly and challenging. Additionally, the exception process presumes that stormwater runoff to an ASBS is an illegal discharge and, therefore, the dischargers are operating their storm water systems in an improper manner. This presumption of illegality remains even where a community is implementing reasonable stormwater pollution control measures.

The State Board designated 34 ASBS sites along the California coast in 1974 and 1975. Since that time, we believe the water quality in the Carmel Bay and Pacific Grove ASBS has improved. This is because we have improved sewage treatment and also implemented programs to control pollutants in stormwater runoff. Presently, the ASBS do not show indications of water quality problems, although we recognize that further data would be helpful.

The City of Carmel-by-the-Sea places great value on the management of the water quality of ASBS which are State designated coastal areas that require higher levels of protection from pollutants due to their special environmental benefits and resource values to all citizens of and visitors to California. Carmel is proud of the two adjacent ASBS sites and has made their long-term protection an important priority.

By way of background, let me describe Carmel's unique environment which provides some natural filtering of our storm water runoff. Carmel-by-the-Sea is one mile square (see attachment), with a population of 4,081 and approximately 2,800 homes, about half of which are occupied by full-time residents. Approximately 6% of the City's 640 acres is in the commercial district while over 10% is in open space. In addition, our narrow streets are not paved to their full width, leaving an undeveloped permeable right of way or linear greenbelt which varies from 10-25 feet on each side of the roadway.